



REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. §1.53(b)
Attorney Docket: 100338.54684C1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a x continuation or ____ divisional application under 37 C.F.R. 1.53(b), of pending prior application:

Serial No 09/488,103

Filed on January 20, 2000

Of Paul Stark, et al.

Entitled: MULTIPARTICULATE BISOPROLOL FORMULATION

Examiner: Robert Joynes

Group: 1615

- X 1. Accompanying this order is a true copy of the prior application as originally filed
Total pages of specification, claims and abstract: 49
- X 2. Formal drawings are being filed herewith consisting of 3 sheet(s), depicting Figures 1-3.
- X 3. Declaration and Power of Attorney:
- a. ____ Newly executed (original or copy)
- b. X Copy from prior application
- i. ____ Deletion of Inventors - signed statement attached deleting inventor(s) named in the prior application
- X 4. Incorporation by Reference:
- The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

5. Small entity status:
- a. ☐ A small entity statement is enclosed
- b. ☐ A statement of small entity status (copy attached) was filed on ☐ in the prior application and status as a small entity is still proper and desired.
- c. ☐ Is no longer claimed
- X 6. The filing fee is calculated below:

**CLAIMS AS FILED, INCLUDING ANY CLAIMS
CANCELLED OR ADDED BY PRELIMINARY AMENDMENT**

Basic Fee					<u>\$385</u>	<u>\$770</u>
Total Claims	<u>25</u>	-	<u>20</u> = <u>5</u>	x	<u>9</u> = \$	<u>18</u> = \$ <u>90</u>
Ind. Claims	<u>1</u>	-	<u>3</u> =	x	<u>43</u> = \$	<u>86</u> = \$
	<u>Multiple Dependent Claims</u>			+	<u>145</u> = \$	<u>290</u> = \$
	Total				<u>\$</u>	<u>\$860.</u>

7. Please charge my Deposit Account No. 05-1323 (Docket # ☐) in the amount of \$ ☐.
- X 8. A check in the amount of \$860.00 to cover the filing fee is enclosed.
- X 9. The Commissioner is authorized to charge any fee which may be required under 37 CFR 1.16 or 37 CFR 1.17 or credit any overpayment to Deposit Account No. 05-1323 (Docket #100338.54684C1).
- X 10. Amend the specification by inserting before the first line the sentence: --This application is a continuation/division of application Serial No. 09/488,103, filed January 20, 2000.--
11. Priority of Appln. No(s). ☐, filed in ☐ on ☐, is hereby claimed under 35 U.S.C. 119.
12. A certified copy of each said priority document was filed in application Serial No. ☐ on ☐.
- X 13. The prior application is assigned of record to Biovail Laboratories, Inc..

X 14. The power of attorney in the prior application is to:

Robin Teskin, 35,030; Samir Elamrani, 43,601; Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; and Jeffrey D. Sanok, Reg. No. 32,169.

X a. The power appears in the original application papers in the prior application.

— b. Since the power does not appear in the original application papers, a copy of the power in the prior application is enclosed.

— c. Attached is a duplicate of a Supplemental Declaration which was filed in the prior application to overcome informalities.

X d. Address all future correspondence to:

CROWELL & MORING, LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300

Customer No.

23911

X 15. Copies of Forms PTO-892 and PTO-1449 listing prior art made of record in the prior application are attached. A copy of each of the listed references should be available in the prior application file.

X 16. Return Receipt Postcard.

— 17. Other: —

Respectfully submitted,

Date April 1, 2004



Samir Elamrani
Registration No. 43,601

CROWELL & MORING, LLP
P.O. Box 14300
Washington, D.C. 20044-4300
Tel: (202) 624-2500
Fax: (202) 628-8844